

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 02-CR-106

RONALD M. HARDWICK,

Defendant.

ORDER

On February 4, 2003, this court sentenced Ronald M. Hardwick to 262 months' imprisonment for violations of 18 U.S.C. §§ 922(g)(1) and 924(e)(1), and 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and (c). Hardwick's total offense level was 34 and he had a criminal history score of VI; under this matrix, his advisory guideline range of imprisonment was 262-327 months.

On November 1, 2007, the United States Sentencing Commission amended the advisory federal sentencing guidelines for criminal offenses involving crack cocaine. On December 11, 2007, the Sentencing Commission further determined that, effective March 3, 2008, these amended guidelines would apply retroactively to all offenders who were sentenced under the previous versions of the sentencing guidelines and who are presently incarcerated. The practical effect of these amendments is that, pursuant to the provisions of 18 U.S.C. § 3582(c)(2), defendants previously convicted of offenses involving crack cocaine may be eligible for a reduction in their sentence.

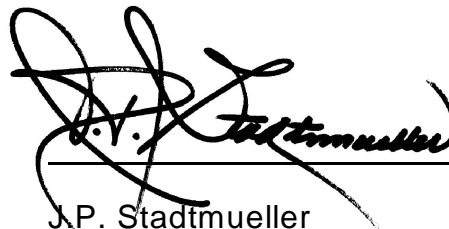
On October 21, 2008, Hardwick filed a pro se request to reduce his sentence pursuant to § 3582(c)(2). Having considered Hardwick's request, together with an analysis from the United States Probation Office, and comments from the United States Attorney's Office, the court concludes that his request must be denied. Hardwick was sentenced as an Armed Career Criminal, and a reduction pursuant to § 3582(c)(2) would not be appropriate as his sentence range has not been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o). A reduction would be inconsistent with the applicable policy statements issued by the Sentencing Commission and the court is obliged to deny his motion.

Accordingly,

IT IS ORDERED that Hardwick's request for a reduction in sentence (Docket #48) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 7th day of November, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

J.P. Stadtmueller
U.S. District Judge